

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the following remarks.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1, 2, 4, 5, 7-18, 21-31, 33-35 and 37 are currently pending.

### **II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1, 2, 4, 5, 7-8, 10, 14-18, 21, 22, 24, and 28-31 and 33-35 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,619,247 to Russo (hereinafter, merely “Russo”) in view of U.S. Patent No. 6,157,377 to Shah-Nazaroff et al. (hereinafter, merely “Shah-Nazaroff”).

Claims 10 and 24 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Russo in view of Shah-Nazaroff and in further view of U.S. Patent No. 5,790,236 to Hershtik et al. (hereinafter, merely “Hershtik”).

Claims 12, 13, 26 and 27 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Russo in view of Shah-Nazaroff and further in view of U.S. Patent No. 6,588,015 to Eyer et al. (hereinafter, merely “Eyer”).

### **III. RESPONSE TO REJECTIONS**

Claims 1, 15, 29 and 33 are amended to emphasize the feature that the varied amount of charge, dependent upon, for example, the quality of the information and/or the conduit through which the information is unloaded and/or the number of items that are

unloaded, is not made until after the information is unloaded. Consequently, the user can confirm that the unloaded information is the very information he ordered or that the unloaded information is free of errors. If the quality of the unloaded information is not acceptable, or if the unloaded information contains errors, or if the unloaded information is not what the user ordered, the user is not charged. Moreover, the user can change the unloading of information without being charged for, that is, without first purchasing, the information he does not want. This is particularly claimed in amended claim 1 (as well as amended claims 15, 29 and 33), by the recitation;

charge information means for storing in a memory the varied amount of fees that are charged and for reproducing and transmitting, subsequent to said unloading, the amount of fee that is charged for the information that is unloaded (emphasis added).

This feature is not suggested by the cited prior art. For example, Shah-Nazaroff describes a server that automatically correlates the purchase of a medium feature from a programming transmission source according to the user's selection of that feature. As soon as the selected medium feature is transmitted, the purchase is complete and the fee is charged. There is no delay to give the user an opportunity to confirm that he is satisfied with the information he received, prior to charging a fee for that information.

This deficiency of Shah-Nazaroff is not cured by any of the remaining references relied upon by the Examiner.

Therefore, Applicants respectfully submit that claim 1 is patentable.

For reasons similar to those described above with regard to independent claim 1, independent claims 15, 29 and 33 are also believed to be patentable.

Therefore, Applicants submit that independent claims 1, 15, 29 and 33 are patentable.

#### **IV. DEPENDENT CLAIMS**

The other claims are dependent from one of the independent claims discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

**CONCLUSION**


In view of the foregoing amendments and remarks, it is believed that all of the claims remaining in this application are patentable and Applicants respectfully request early passage to issue of the present application.

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portion or portions of the reference or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

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